

Case 3:24-mi-05097-GJL Document 1 Filed 03/20/24 Page 1 of 14

UNITED STATES DISTRICT COURT

for the
Western District of Washington

In the Matter of the Search of
*(Briefly describe the property to be searched
or identify the person by name and address)*

Case No. MJ24-5076

FILED _____ LODGED

RECEIVED

Mar 20, 2024

CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA
BY _____ DEPUTY

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See Attachment A, attached hereto and incorporated herein by reference.

located in the Western District of Washington, there is now concealed (*identify the person or describe the property to be seized*):

See Attachment B, attached hereto and incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 842(a)(3)(A) and (o)	Unlawful receipt of explosive materials and possession of unregistered explosives.

The application is based on these facts:

✓ See Affidavit of FBI Special Agent Jamie Giannotti, continued on the attached sheet.

Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Pursuant to Fed. R. Crim. P. 4.1, this warrant is presented: by reliable electronic means; or: telephonically recorded.

Jamie Giannotti
Applicant's signature

Special Agent Jamie Giannotti, FBI

Printed name and title

The foregoing affidavit was sworn to before me and signed in my presence, or
 The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: 03/20/2024

[Signature]
Judge's signature

City and state: Tacoma, Washington

Grady J. Leupold, United States Magistrate Judge

Printed name and title

AFFIDAVIT OF JAMIE GIANNOTTI

STATE OF WASHINGTON)
)
) ss.
COUNTY OF GRAYS HARBOR)

I, Jamie Giannotti, a Special Agent with the Federal Bureau of Investigation, being duly sworn, state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since June 2023. My current assignment is with the FBI Seattle Field Office, South Sound Joint Terrorism Task Force, investigating a variety of criminal and national security matters, including violent crimes and major offenses such as threats to human life, threats to damage property, actual and attempted bombings, and efforts to use violence in support of, or to counter, a particular ideology. My training and experience include a variety of investigative and legal matters, including the topics of Fourth Amendment searches, the drafting of search warrant affidavits, and probable cause. I am a Certified Public Accountant. Prior to my time with the FBI, I assisted in the audit of public and private companies.

2. The facts set forth in this Affidavit are based on my personal knowledge; knowledge obtained from other individuals during this investigation, including other law enforcement officers; review of documents and records related to this investigation; communications with others who have personal knowledge of the events and circumstances described herein; and information gained through my training and experience. Because this Affidavit is submitted for the limited purpose of establishing probable cause in support of the application for search warrants, it does not set forth every fact that I, or others, have learned during this investigation.

PURPOSE OF AFFIDAVIT

3. I make this Affidavit in support of an application for warrants for records and information associated with certain cellular towers (“cell towers”) that is in the possession, custody, and/or control of T-Mobile, a cellular service provider headquartered in Parsippany, New Jersey, AT&T, a cellular service provider headquartered in North Palm Beach, Florida, and Verizon Wireless, a cellular service provider headquartered in Bedminster, New Jersey (collectively, the “Wireless Providers”). The information to be searched is described in the following paragraphs and in Attachment A. This Affidavit is made in support of an application for a search warrant under 18 U.S.C. § 2703(c)(1)(A) to require the Wireless Providers to disclose to the government the information further described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review the information to locate items described in Section II of Attachment B.

4. The purpose of the warrants is to identify the suspect(s) who engaged in violations of Title 18, United States Code, Section 842. Section 842(a)(3)(A) makes it unlawful for “any person other than a licensee or permittee[to] knowingly transport, ship, cause to be transported, or receive any explosive materials.” Section 842(o) makes it a felony for “any person, other than an agency of the United States (including any military reserve component) or the National Guard of any State, possessing any plastic explosive on the date of enactment of this subsection, to fail to report to the Attorney General within 120 days after such date of enactment the quantity of such explosives possessed, the manufacturer or importer, any marks of identification on such explosives, and such other information as the Attorney General may prescribe by regulation.” Based on the facts set forth in this Affidavit, there is probable cause to believe that violations of Title 18, United States Code, Sections 842(a)(3)(A) and (o) have been committed by an

1 unknown person(s). There is also probably cause to search the information described in
2 Attachment A for evidence of this crime as further described in Attachment B.

3 5. As described below, I am investigating a series of suspected explosions on
4 the railroad tracks in Montesano, WA. The requested cell tower data is expected to allow
5 investigators to identify the phone(s) used by the subject(s) at the time of the offenses,
6 which may allow investigators to identify the subject(s) themselves. As described below,
7 this is the second request for cell tower data in this investigation.

8 6. This Court has jurisdiction to issue the requested warrants because it is “a
9 court of competent jurisdiction” as defined by 18 U.S.C. § 2711. Specifically, the Court
10 is “a district court of the United States . . . that has jurisdiction over the offense being
11 investigated.” 18 U.S.C. § 2711(3)(A)(i).

12 **BACKGROUND RELATING TO CELL TOWERS**

13 7. In my training and experience, I have learned that the Wireless Providers
14 are companies that provides cellular communications service to the public. To provide
15 this service, many cellular service providers maintain antenna towers (“cell towers”) that
16 serve and provide cellular service to devices that are within range of the tower’s signals.
17 Each cell tower receives signals from wireless devices, such as cellular phones, in its
18 general vicinity. By communicating with a cell tower, a wireless device can transmit and
19 receive communications, such as phone calls, text messages, and other data. When
20 sending or receiving communications, a cellular device does not always utilize the cell
21 tower that is closest to it.

22 8. Based on my training and experience, I also know that each cellular device
23 is identified by one or more unique identifiers. For example, with respect to a cellular
24 phone, the phone will be assigned both a unique telephone number but also one or more
25 other identifiers such as an Electronic Serial Number (“ESN”), a Mobile Electronic
26 Identity Number (“MEIN”), a Mobile Identification Number (“MIN”), a Subscriber
27 Identity Module (“SIM”), a Mobile Subscriber Integrated Services Digital Network

1 Number (“MSISDN”), an International Mobile Subscriber Identifier (“IMSI”), or an
2 International Mobile Equipment Identity (“IMEI”). The types of identifiers assigned to a
3 given cellular device are dependent on the device and the cellular network on which it
4 operates.

5 9. Based on my training and experience, I know that cellular providers such as
6 the Wireless Providers routinely and in their regular course of business maintain
7 historical records that allow them to determine which wireless devices used cellular
8 towers on the cellular provider’s network to send or receive communications. For each
9 communication sent or received via the wireless provider’s network, these records may
10 include: (1) the telephone call number and unique identifiers of the wireless device that
11 connected to the provider’s cellular tower and sent or received the communication (“the
12 locally served wireless device”); (2) the cellular tower(s) on the provider’s network, as
13 well as the “sector” (*i.e.*, face of the tower) to which the locally served wireless device
14 connected when sending or receiving the communication; and (3) the date, time, and
15 duration of the communication.

16 10. Based on my training and experience, I know that cellular providers such as
17 the Wireless Providers can query their historical records to determine which cellular
18 device(s) connected to a particular cellular tower during a given period and produce the
19 information described above. I also know that cellular providers can determine which
20 cellular tower(s) provided coverage to a given location at a particular time.

21 11. Based on my training and experience and the above facts, information
22 obtained from cellular service providers such as the Wireless Providers that reveals which
23 devices used a particular cell tower (and, where applicable, sector) to engage in
24 communications can be used to show that such devices were in the general vicinity of the
25 cell tower at the time the communication occurred. Thus, the records described in
26 Attachment A will identify the cellular devices that were in the vicinity of the victim
27

1 railroad line and train at the time of the explosion. This information, in turn, will assist
2 law enforcement in determining which person(s) were present at that time.

3 12. Based on my training and experience, I also know that the Wireless
4 Providers collect timing advance measurement data in the normal course of
5 business. Timing advance data estimates the approximate distance of the cellular device
6 from a cellular tower based upon the speed and time that it takes the cellular signals to
7 travel from the cell tower to the device and back to the tower. This information can be
8 used to estimate the approximate location range. These measurements are more precise
9 than typical cell site records contained in call detail records. This data helps identify the
10 devices that are located very close to the cell tower and those located at a greater
11 distance.

12 13. The Wireless Providers can provide timing advance data for one device as
13 well as all the devices connected to a cell tower for a specific time frame. A traditional
14 tower dump includes only the cell tower and sector (no distances) and only covers voice
15 and SMS connections. Timing advance data often include voice, SMS, and data activity.
16 Users of cell phones are more actively engaged in data connections than voice and SMS
17 activity.

18 14. Based on my training and experience, I know that a large percentage of
19 people whose cellular devices connect to a cell tower as they pass within range may not
20 be actively using their devices to make calls or send text messages, but their devices will
21 still connect to the tower and utilize it for passive data connections. These devices would
22 be identified through timing advance data.

23 15. Based on my training and experience, I know that individuals engaged in
24 criminal activity do not typically pause or stop during that activity to make phone calls or
25 send text messages. However, in the process of carrying out criminal acts, their cellular
26 devices still connect to the cell towers that serve the area they are in, and through data
27 connections, are still captured in timing advance data. Thus, the records requested in this

1 case may identify the cellular devices that were in the vicinity of the below described
2 explosion at the time of the offense. This information, in turn, will assist law enforcement
3 in determine with persons were present for those offenses.

4 **SUMMARY OF PROBABLE CAUSE**

5 16. The Puget Sound and Pacific Railroad (PSP) operates over 150 miles of
6 track serving the state of Washington. PSP is headquartered in Centralia, Washington.
7 The railroad's main commodities are timber products, garbage, and chemicals. The line
8 from Centralia to Grays Harbor has soybean, auto, and military trains in addition to
9 regular local traffic.

10 17. On October 11, 2023, at approximately 10:15 p.m. PDT, a Montesano
11 Police Officer heard a large boom coming from the railroad tracks. At that time a train
12 was traveling westbound through Montesano. The conductor operating the train also
13 heard the explosion and came to a stop. The officer proceeded to the railroad tracks
14 at/near 412 South Main Street, Montesano, exited their patrol vehicle, and started
15 walking eastbound up the tracks. The officer smelled a burnt gun powder type odor and
16 saw what appeared to be smoke blowing towards them. The officer contacted the
17 conductor, and, after checking for no visible signs of damage, the conductor continued to
18 Aberdeen.

19 18. On October 17, 2023, FBI Agents interviewed the PSP conductor who was
20 operating the train that drove through Montesano on October 11, 2023. The conductor
21 reported he was driving westbound through Montesano at approximately 25mph, with the
22 windows open. As the train passed between the two crossings in Montesano, the
23 conductor heard a large boom outside the train on the right side and felt the percussion
24 from an explosion, described as a "thud." He looked out the window and, in the mirror,
25 could see sparks and lots of dark gray smoke. The sparks were elevated up the side of the
26 train, on the second engine car, which was directly behind his car. The conductor initially
27 thought he had "blown a turbo," as that part of the train engine is known to explode

1 sometimes. The conductor stopped the train and did not observe any damage to the cars.
2 Engines are inspected prior to being used, and the subsequent inspection of this engine
3 did not turn up any damage either.

4 19. FBI Agents also interviewed multiple employees of PSP who reported
5 similar instances. PSP employees reported they experienced similar explosions on the
6 same piece of railway track in Montesano between the spring of 2021 and fall of 2023.
7 PSP employees reported identifying potential suspects in proximity of several of the
8 explosions. These individuals were typically parked in a vehicle in the vicinity of the
9 explosions, but at varying distances.

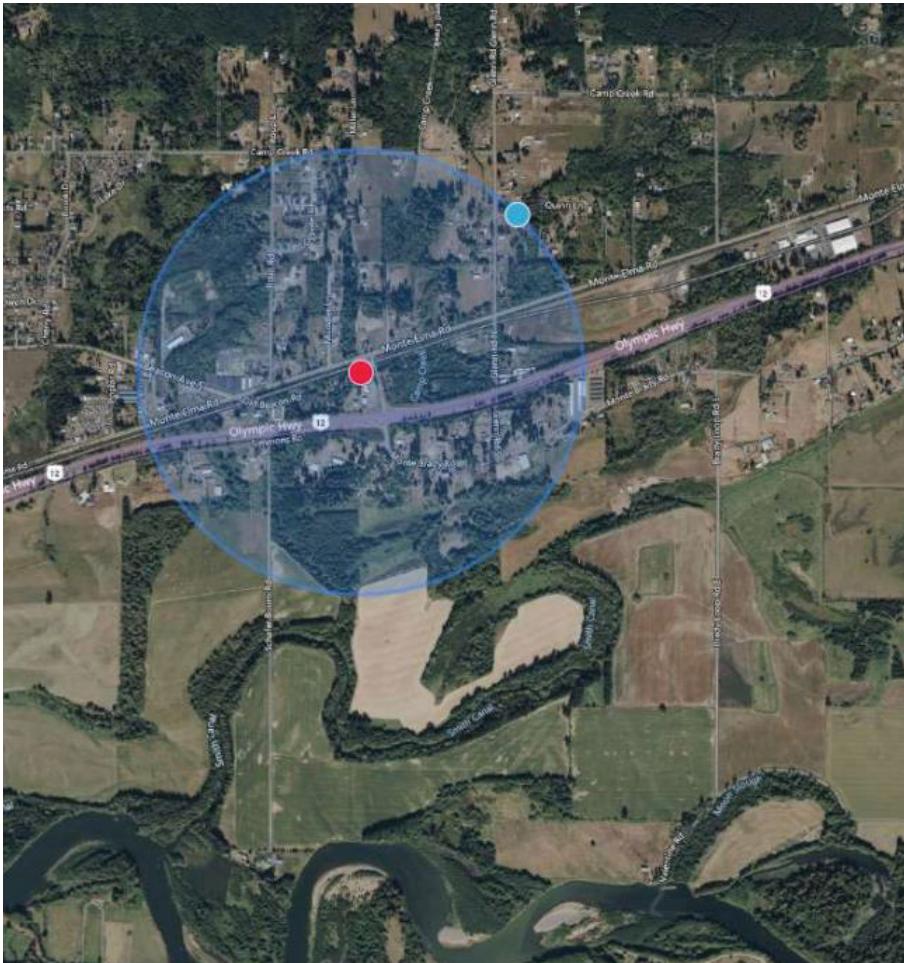
10 20. On January 5, 2024, I applied for and received a warrant for records and
11 information associated with communications to and from cell towers providing service
12 at/near 412 South Main Street, Montesano, from 9:30 p.m. to 10:30 p.m. (PDT) on
13 October 11, 2023. I have received the requested records back from the cellular providers,
14 AT&T, T-Mobile, and Verizon Wireless, on or around February 14, 2024.

15 21. On February 10, 2024, at approximately 9:15 p.m. PST, an explosion
16 occurred as a PSP train passed over the rail crossing at Monte Brady Rd in Grays Harbor.
17 On February 12, 2024, FBI Agents interviewed the PSP conductor who operated the train
18 on February 10, 2024. The conductor said s/he was driving eastbound from Aberdeen
19 through Montesano at approximately 25mph. At approximately 9:12 p.m. PST, as the
20 leading wheels of the rail car passed the Monte Brady crossing (crossing 096658B) an
21 explosion occurred underneath the train, on the north side. The conductor saw a flash,
22 heard a loud boom, and felt the percussion from the explosion. The train continued, and
23 when the conductor was able to stop later, s/he reported no damage to the train.

24 22. Prior to the explosion, as the conductor was traveling eastbound on the
25 train, s/he reported seeing a silver sedan paralleling the train, driving east on Monte Elma
26 Rd. The conductor observed the sedan turn right on Monte Brady Rd. The sedan pulled
27 up to the north side of the train tracks and stopped. The conductor advised there was

1 enough distance between the train and the Monte Brady crossing for the sedan to have
2 crossed the tracks in front of the train, but the sedan did not cross the train tracks. The
3 sedan stayed at the intersection for a couple of seconds. The sedan then backed up, made
4 a U-turn, and turned left on Monte Elma Rd, heading back west toward Montesano. The
5 conductor reported the sedan had both head lights and fog lights. The conductor lost
6 visual of the sedan as he passed through the Monte Brady crossing.

7 23. The railroad tracks located at the Monte Brady crossing are surrounded by
8 rural residential properties. The properties consist primarily of single-family residences
9 on large acreage lots. The area has a low population density. The estimated population
10 within the requested radius is 175 people. Below is an aerial map view of the explosion
11 location and the requested radius for tower dump data.



1 24. To protect tower-dump information related to innocent third parties, the
2 government will seize only information from the tower in the allocated timeframe, which
3 includes the period immediately preceding, during, and following the specified explosion.
4 Only data from mobile devices that connected to the tower in the timeframe surrounding
5 the explosion will be captured by this warrant. Timing advance data will further allow
6 investigators to determine the approximate distances of the mobile devices from the
7 tower, allowing them to separate potential subjects (e.g., who may have been parked in
8 proximity to the explosion) from individuals who are not related to the aforementioned
9 criminal activity (e.g., those who were at or in a nearby residence).

10 **INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

11 25. Based on the foregoing, I request that the Court issue the proposed cell
12 tower search warrants pursuant to 18 U.S.C. § 2703(c). I further request that the Court
13 direct the Wireless Providers to disclose to the government any information described in
14 Section I of Attachment B that is within their possession, custody, or control. Because the
15 warrants will be served on these providers, who will then compile the requested records
16 and data, reasonable cause exists to permit the execution of the requested warrants at any
17 time in the day or night. Pursuant to 18 U.S.C. § 2703(g), the presence of a law
18 enforcement officer is not required for the service or execution of these warrants.

19 **REQUEST FOR SEALING**

20 26. I further request this Court issue an order sealing all papers submitted in
21 support of the requested search warrants, including the application, this affidavit, the
22 attachments, and the requested search warrants. I believe sealing these documents is
23 necessary because the information to be seized is relevant to an ongoing investigation,
24 and any disclosure of the information at this time may cause the culpable person(s), or
25 others associated with the culpable person(s) to flee from prosecution, cause destruction
26 of or tampering with evidence, or otherwise seriously jeopardize this investigation.

1 Premature disclosure of the contents of the application, this affidavit, the attachments,
2 and the requested search warrants may adversely affect the integrity of the investigation.
3

4 **CONCLUSION**
5

6
7 27. Based on the forgoing, I request that the Court issue the proposed warrants,
8 pursuant to pursuant to Federal Rule of Criminal Procedure 41 and 18 U.S.C. § 2703.
9

10
11 Respectfully submitted,
12

13 
14 JAMIE GIANNOTTI
15 Special Agent
16 Federal Bureau of Investigation
17

18 The above-named agent provided a sworn statement to the truth of the foregoing
19 affidavit by telephone on the 20th day of March 2024.
20

21 
22 GRADY J. LEUPOLD
23 United States Magistrate Judge
24
25
26
27

ATTACHMENT A
Property to be Searched

Records and information associated with communications to and from the following cellular antenna towers (“cell towers”) on the identified date and timeframe that are within the possession, custody, or control of the cellular service providers T-Mobile, Verizon Wireless, and AT&T (collectively, the “Wireless Providers”). Please provide all cellular telephone numbers whose timing advance data places them within a half-mile radius from the below locations.

Cell Towers Date Timeframe
The cell towers that provided
cellular service to

4 Monte Brady Rd February 10, 2024 8:45 p.m. – 10:00p.m. (PST)
Montesano, WA 98563

The following cellular service providers are required to disclose information to the United States pursuant to this warrant:

1. T-Mobile, a cellular service provider headquartered in Parsippany, New Jersey;
2. Verizon Wireless, a cellular service provider headquartered in Bedminster, New Jersey; and
3. AT&T Wireless, a cellular service provider headquartered in North Palm Beach, Florida.

ATTACHMENT B
Particular Things to be Seized

I. Information to be Disclosed by the Provider

For each cell tower described in Attachment A, the cellular service providers identified in Attachment A are required to disclose to the United States records and other information (not including the contents of communications) about all communications, including voice, SMS, and data, made using the cellular towers identified in Attachment A during the corresponding timeframe listed in Attachment A, including records that identify:

- a. the telephone call number and unique identifiers for each wireless device in the vicinity of the cell tower (“the locally served wireless device”) that registered with the cell tower, including Electronic Serial Numbers (“ESN”), Mobile Electronic Identity Numbers (“MEIN”), Mobile Identification Numbers (“MIN”), Subscriber Identity Modules (“SIM”), Mobile Subscriber Integrated Services Digital Network Numbers (“MSISDN”), International Mobile Subscriber Identifiers (“IMSI”), and International Mobile Equipment Identities (“IMEI”);
- b. for each communication, the “sectors” (i.e., the faces of the towers) that received a radio signal from the locally served wireless device; and
- c. the date, time, and duration of each communication; and
- d. the approximate range of the target handsets from the cell tower (commonly referred to as range to tower, Real Time Tool (RTT) or per call data measurement data, timing advance, True Call or NELOS).

These records should include records about communications that were initiated before or terminated after the timeframe identified in Attachment A if some part of the communication occurred during the relevant timeframe listed in Attachment A.

1 **II. Information to be Seized by the Government**

2 All information described above in Section I that constitutes evidence of violations
3 of Title 18, Title 18, United States Code, Sections 842(a)(3)(A) (unlawful receipt of
4 explosives) and 842(o) (possession of unregistered explosives) committed during the
5 timeframe identified in Attachment A, such as:

6 Information relevant to any wireless device that communicated with a cellular
7 tower providing cellular service to 4 Monte Brady Rd Montesano, WA, 98563.

8 Law enforcement personnel (who may include, in addition to law enforcement
9 officers and agents, attorneys for the government, attorney support staff, agency
10 personnel assisting the government in this investigation, and outside technical experts
11 under government control) are authorized to review the records produced by the Wireless
12 Providers to locate the things particularly described in this Warrant.